

MORRISON COUNTY PLANNING COMMISSION

August 30, 2022 – 6:00 P.M.

MINUTES

The Morrison County Planning Commission held a public hearing and regular monthly meeting in the Morrison County Government Center Board Room.

Regular Members Present: Clint Kathrein, Brent Lindgren, Dave Stish Dave Brutscher and Marvin Trettel

Regular Members Absent: None

Commissioners Present: Jeff Jelinski, Mike Wilson, Mike LeMieur, Randy Winscher and Greg Blaine

Commissioners Absent: None

Ex-Officio Members Present: Amy Kowalzek

Ex-Officio Members Absent: Robert Wall, Shannon Wettstein (SWCD) and Sharon Peterson

Other members: Matt LeBlanc

Chairman Clint Kathrein called the meeting to order at 6:00 p.m.

Pledge of Allegiance

1. Proposed Land Use Ordinance Amendments.

Amy Kowalzek went through the proposed Land Use Control Ordinance changes.

505.1 a - Brent Lindgren asked don't most variances ask to encroach on a property line setback. Amy Kowalzek stated this is only asking for a survey if the variance is to a side yard property line setback. Brent stated there is a large cost to having a survey. Could we asked them to get a survey done if the variance is granted? Amy stated the problem with this is that if the survey is done after we do not know what the distance is, they are asking for. There are other items that ask for a survey. Brent stated maybe this language needs a little more clarification. Marvin Trettel stated there are times when property owners do not know where their property lines are. This is a good addition to the ordinance.

Dave Stish asked Amy Kowalzek to review the process on why we are here tonight. Some of these things can be done with variances or conditional use permits.

Dave Brutscher stated that this was a way to reduce the need for variances. This will help Planning & Zoning as well.

604.1 - Clint Kathrein stated there were meetings for months before this. We talked about smart development. We talked about two per quarter/quarter and about homes needing variances. I would like to see this reduced from the three that is proposed.

Clint Kathrein stated he would also like to see the lot size changed from one acre minimum to two- and one-half acres minimum. It will be very hard to get a building site on one acre. One acre is making it easier for homes to be built in agriculture area. Dave Brutscher stated he agrees. Dave Stish stated he agrees as well. Marvin Trettel stated he agrees with the two-and-one-half acres.

Amy Kowalzek stated the driving force was from the Comprehensive Plan and the Ordinance and they do not align in the agriculture zoning district. This started with feedlot stakeholder meetings. The County Board agreed that this needed to be looked into. Then we met with each Township within the County to discuss these issues. Next, we met with the Planning Commission and the County Board to discuss further. What is being brought forward tonight is what all of those meetings developed.

1208 – The 200-foot setback for a Tier I is due to matching the other Tiers so property owners can expand and meet setbacks of the other Tiers.

Dave Stish stated these setbacks do not pertain to non-feedlots. Amy Kowalzek stated that is correct.

Amy Kowalzek stated that the off-set rating may not be able to be used depending on what the setbacks are adopted.

Clint Kathrein stated with people that he has talked to the consensus was to keep setbacks on your own property. The setback for a house is 40' from the right of way. The setback for a feedlot is 200' from the right of way. This takes these 200 feet from me that I cannot use on my own property.

Dave Stish stated that the need for variances will possibly cause the need to change some ordinance rules. In the past nine years there has only been a hand full of times where the variance was needed because of feedlot issues.

Dave Brutscher stated most of the after the fact variances come from the lake people and not the farmers.

Marvin Trettel stated dropping the feedlot setback from 1000 feet to 660 feet we are getting into line with other counties. Been hearing people say do not change the hog facility setbacks.

Brent Lindgren stated changing rules can always go both ways. This is not an easy process.

Audience Comment:

Amy Kowalzek stated there were two written comments entered into record.

Donald Strommer – stated he now needs a variance to add onto his home due to a neighboring chicken barn.

Pat Kasella – asked if a feedlot has two homes what are the setbacks for theses. Residual deeds should be allowed to be meets & bounds legals. This is causing more fees and issues in the future.

Dan Meyer – Leigh Township – stated about 55% of the Townships wanted the rules to stay the same. Reducing the setbacks is fine as long as you don't use anyone else's land but your own. Does the ditch get used in the setbacks? Notifying the road authority during road restrictions has been a good rule. RV's should have longer time than 10 days.

Ron Miller – stated this board is agriculture friendly, in the future the board may not be. There are a lot of requirements for farmers to meet. Any feedlot over 1000 animal units must go through the MPCA. There are rules from them that we also have to meet.

Charles Parins – Little Falls Township – stated add invasive species to the exotic animals. Unlicensed vehicles should be 2 and not 3. Going down to one acre in agriculture would be lower than the two and one half in rural residential. What measures are taken in agriculture for impervious surface. What are the rules in rural residential for RV's?

Myron Czech – stated the 660' setback would be an excellent idea. Not many people apply for a variance because they are scared to. 200 feet from the road is a little excessive. Should also address the animal unit cap.

Gene Young – Little Falls Township – Don't know why the county would go to one acre in agriculture. Surveys are a good insurance policy.

Terry Hargrave – Granite Township – Hard to see the lot size in agriculture to be at one acre.

Clint Kathrein stated the animal cap was discussed and thought that was going to get dropped. The one acre came up due to preserving agriculture land.

Amy Kowalzek stated the minimum parcel size was talked about a lot. Just remember this would only be a minimum. The zoning for all Townships gets administered by the County at this time. Adding public ditches, the measurement will be from the upper bank. Notifying road authority was something that the County and Townships asked us to help in this area. The road authorities have the jurisdiction to enforce the rules on their roads and road right of ways. The setbacks for the dwellings that are on the feedlot do not have to meet the setbacks to their own feedlots. The animal unit cap was discussed and with removing or reducing the setbacks combined with removing the animal unit cap it was more than we wanted to conquer at this time. If a home is proposing an addition this can be done without a variance as long as the addition does not further encroach into the setback. Marvin Trettel stated some were also concerned about the 200-foot road setback.

Dave Stish recommended to move forward with the ordinance changes with 2.5 acre minimum for lot size and remove the animal unit cap. Clint Kathrein stated the road setback should be looked at. Marvin Trettel stated the road setback should be reduced. Brent Lindgren stated the RV's on lots should also be looked at, maybe more clarification. Also, fine tune the language regarding the need for a survey on a side property line in conjunction with a variance.

A motion was made by Dave Stish to recommend approval with the previously discussed changes. The motion was seconded by Brent Lindgren. The vote was all in favor.

7:55 pm the Board took a 5-minute recess.

2. Joseph & Nancy Berg Prop LLC – 10484 170th Ave; Little Falls, MN 56345 – Application for an Interim Use Permit for a Home Extended Business specifically, for an embroidery and apparel business; located in S ½, Section 35, Township 40, Range 32, Little Falls Township.

Joseph Berg was present.

Amy Kowalzek entered into record Section 604.8 of the Morrison County Land Use Control Ordinance, a plat map with parcel location, interim use permit request, interim use permit criteria questions, site plan, two (2) aerial photos, staff report and aerial photo showing road right of way, aerial photo showing surrounding zoning and performance standards. There were 36 notices sent to neighboring property owners. One comment was received prior to the hearing.

Joseph Berg stated the business started about two years ago. We have been running the business out of our house and we are out of room. We are building a shed now to move the business to Little Falls Township. Been in the community for about 30 years. Started and continue to have and run a few businesses.

Marvin Trettel asked why not run the business in town and not have to go through this process. There is no room in Little Falls to run a business. Don't want to build in a retail area.

Brent Lindgren asked how many employees will there be. Joseph Berg stated there are no employees right now. The regulations say I can have up to seven. I do not think we would ever get that far.

Dave Stish asked how products come and go. Joseph Berg stated most things come and go through UPS. Sometimes we have people that would want to come and look at the products. Not going to have retail hours.

Dave Brutscher asked how many employee hours are being worked now. Joseph Berg stated about 100 hours

per week right now.

Clint Kathrein asked what other things this building will be used for. Joseph Berg stated he would fix machinery.

Clint Kathrein asked what the end date would be. Joseph Berg stated he would like it to be as long as the property is owned by Joseph & Nancy Berg Property LLC.

Audience Comment:

Ron Miller stated he owns property to the north. I have no issue with this request. They keep the property clean.

George Sandy – Little Falls Township – We have no issue with this request.

The voting sheets were polled.

A motion was made by Marvin Trettel to recommend approval of this request including the end date. The motion was seconded by Dave Stish. The vote was all in favor.

The application will go in front of the Morrison County Board of Commissioners on September 6, 2022.

3. Scenic View LLC – 2834 Hohler Bay Dr; Cushing, MN 56443 – Application to amend an existing Conditional Use Permit to add a parcel to the existing campground; located in pt of Gov Lot 2, Section 32, Township 132, Range 31, Scandia Valley Township.

Jeff Hardy was present.

Amy Kowalzek entered into record Sections 803 and 804.5 of the Morrison County Land Use Control Ordinance, a plat map with parcel location, conditional use permit request, conditional use permit criteria questions, site plan, aerial photo and staff report. There were 96 notices sent to neighboring property owners. No comment was received prior to the hearing.

Jeff Hardy stated he is putting up a building. The ordinance only allows for a 3000 square foot building in the shoreland district.

Amy Kowalzek stated that combining the parcels will allow the applicant to build a larger building and use the parcel as part of the camp ground.

Audience Comment: None

Dave Stish asked how tall the structure will be. Amy Kowalzek stated this is 25 feet. Dave asked how visible the structure will be. Jeff Hardy stated neighbors can see it in the fall. Dave asked if any new approaches will be built. Jeff stated he will be using the existing access.

The voting sheets were polled.

A motion was made by Brent Lindgren to recommend approval of this request. The motion was seconded by Dave Brutscher. The vote was all in favor.

The application will go in front of the Morrison County Board of Commissioners on September 6, 2022.

The public hearing was closed at 8:46 p.m.

A motion was made by Dave Stish to approve the August 2, 2022 minutes. The motion was seconded by Brent Lindgren. The vote was all in favor.

Correspondence – None

Old Business – None

New Business – None

A motion was made by Marvin Trettel to adjourn the meeting. The motion was seconded by Brent Lindgren. The vote was all in favor.

With no further business at hand, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Clint Kathrein, Chairperson
Brent Lindgren, Vice-Chairperson
Marvin Trettel, Secretary
Amy Kowalzek, Appointed Secretary
Morrison County Planning Commission